



City of Seattle

Gregory J. Nickels, Mayor

Department of Design, Construction and Land Use

D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

Application Numbers: 2205279

Applicant Name: Bret Barnecut

Address of Proposal: 9640 48th Avenue SW

SUMMARY OF PROPOSED ACTIONS

Master Use Permit for future construction of a 350 sq. ft. basement and first story addition to an existing single family residence.

The following approval is required:

Variance – to allow a portion of the principal structure to extend into required rear yard.
[23.44.014 B.](#)

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS
 ☐ DNS with conditions
 ☐ DNS involving non exempt grading or demolition
 or involving another agency with jurisdiction.

BACKGROUND DATA

Site and Vicinity Description

The property is located in West Seattle at the most southerly end of Fauntleroy Avenue Southwest. The property is an interior lot with no street frontage. The property is accessed by an easement for ingress and egress as conveyed in instrument recorded under Recording No. 8308180944. The surrounding neighborhood is comprised primarily of single-family residences. Immediately to the east, south and west are single family homes. The site slopes approximately 11 feet between the East and West property lines which is a distance of 102.88 feet. The site is not a mapped Environmental Critical Area.

The site measures 9,252.8 square feet and is currently developed with a single family home. The property is zoned Single Family residential with a minimum lot area of 9600 square feet (SF 9600). All surrounding properties are similarly zoned.

This site has a number of very fine trees that may be Exceptional trees, surrounding the residence and arranged around the perimeter of the site. Going in a clock-wise direction starting with the largest Western Red Cedar, (12) Twelve plus feet in diameter and is in the middle of the west side, the rest are arranged around the perimeter of the lot as follows; Western Red Cedar (6) six plus feet in diameter, Western Red Cedar (7) seven plus feet in diameter, Western Red Cedar (9) nine plus feet in diameter, Pine (species unknown) (4) four plus feet in diameter, Western Red Cedar approximately (7) seven feet in diameter and a Douglas Fir (9) nine plus feet in diameter.

The trees on this lot have seen very little in the way of pruning or topping. The density and the overlap of their crowns provide excellent natural habitat for nesting and cover a wide variety of birds, from their natural predators. The trees are home to nesting Screech Owls, Red-Shafted flickers, Stellar Jays, Rufus-sided towhees, Robins, Chick-a-dees, Humming birds, Finches and Wrens. Bald Eagles, Cooper's Hawks and Sharp-shinned Hawks are frequent visitors to the site trees.

Proposal

The project proposal is to build a 350 sq. ft., (2) two story addition to an existing single family residence in the required rear yard.

The proposed remodel to the house includes a workshop at the basement level and increased living area at the 2nd story with a deck over the first level. The (2) two story addition requires a variance, specifically relief from the rear yard requirements.

The required rear yard on this lot is 20 feet per [SMC 23.44.014 B](#). The applicant seeks to extend into this area by approximately 14 feet. As drawn, about 8 feet of the southwest wall, of the existing home extends into the required rear yard by a few inches and is nonconforming with regard to development standards, and the proposal would increase that nonconformity.

Public Comment

DCLU published public notice of the proposed development on March 26th, 2003, and the associated public comment period ended on April 9th, 2003. DCLU received no comments.

ANALYSIS - VARIANCE

Variances may be authorized only when all of the variance criteria set forth at SMC Section [23.40.020](#) and quoted below are met.

1. **Because of unusual conditions applicable to the subject property, including size, shape, topography, location or surroundings, which were not created by the owner or applicant, the strict application of this Land Use Code would deprive the property of rights and privileges enjoyed by other properties in the same zone or vicinity;**

The proposal site is approximately 9,252.8 sq. ft. in a SF9600 zone. This site is different from the other sites in the surrounding neighborhood as it is an interior lot with no street frontage where the other sites in the neighborhood have street frontage and have designated yards that meet the standards of the Seattle Land Use and Zoning Code. This site has been assigned required yards to meet development standards, because of the lack of Street frontage. These assigned yards are not consistent with the required yards in the surrounding neighborhood.

The “unusual conditions” relate to the location of a very fine tree that may be considered and Exceptional Tree, in the front of the existing house, limiting the undeveloped buildable area for any addition of living area to the home.

The proposed addition falls within the rights and privileges, commonly enjoyed by neighboring property owners and does not conflict with other zoning standards such as lot coverage and structure dimensions.

2. The requested variance does not go beyond the minimum necessary to afford relief and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located;

The proposed addition at the first level is approximately 546 sq. ft. (14' x 29') with a 196 sq. ft. (14' x 14') deck over the first floor and is 26 feet high. The second story of the addition is 14' x 25' and is 350 sq. ft. The first story basement addition is for a workshop, and the second story addition is for living area. This addition does not go beyond minimum building area necessary for relief. This would allow the house to be comparable in size to other homes in the vicinity.

Therefore, the variance does not constitute a grant of special privilege in this zone or vicinity. Given the size of the existing lot, and the location of the existing dwelling on the lot, along with the location of a very fine tree that may be an Exceptional Tree, there is no reasonable way to improve the livability of the house without constructing the addition in the required rear yard. It is a minor addition that allows the owners to use their property in a similar manner to neighboring properties. This would not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity.

3. The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the subject property is located;

The proposed addition will not block air and light nor cast shadows to the adjoining property to the rear. Furthermore, variance approval will allow preservation of a very fine tree that may even be exceptional. Undeveloped buildable area will remain in front of the house which will maintain and enhance the neighborhoods character and be enjoyed by the surrounding neighbors.

Based on the side yard requirements from [SMC 23.44.014](#) , the minimum space between any two single family residences is 10-feet. The addition into the rear yard would

4. The literal interpretation and strict application of the applicable provisions or requirements of this Land Use Code would cause undue hardship or practical difficulties;

5. The requested variance would be consistent with the spirit and purpose of the Land Use Code regulations for the area.

DECISION – VARIANCES

Signature: (signature on file) Date: May 29, 2003
Joan S. Carson, Land Use Planner
Department of Design, Construction and Land Use
Land Use Division

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